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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ERIC MICHAEL JAKLITSCH,  
  
Defendant.

CASE NO. 2:22-CR-00015 WBS  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
  
DATE: November 14, 2022  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

**STIPULATION**

1. By previous order, this matter was set for status on November 14, 2022.
2. By this stipulation, the defendant now moves to continue the status conference until January 9, 2023 at 9:00 a.m., and to exclude time between November 14, 2022, and January 9, 2023, under Local Code T4. The parties also request that the status be converted into a likely change-of-plea hearing.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes over 9,900 pages and items of law enforcement reports, EDD records, bank records, ID.me records, witness statements, photographs, jail call recordings, and search warrant items. The government also produced additional discovery that is available to defense counsel for inspection, including Cellebrite extraction reports for certain electronic devices seized from the

1 defendant. The government also recently provided additional discovery to the defendant that  
2 relates to alleged crimes committed in the District of New Jersey, which relate to the charges in  
3 this case. All this discovery has been either produced directly to counsel and/or is available to  
4 the defense for inspection and copying under the current Protective Order.

5 b) The parties are still in discussions regarding the United States Attorney's  
6 Office in the District of New Jersey filing of an Information that would charge alleged crimes in  
7 that district that relate to the charges in the Eastern District of California. The parties are also still  
8 discussing the possibility of a global resolution that will allow the defendant to plead guilty in  
9 this District to certain charges of the indictment in this case and anticipated charges in the  
10 District of New Jersey under Rule 20 of the Federal Rules of Civil Procedure. Under such an  
11 agreement, which the parties expect to be filed in this Court before the January 9 hearing, the  
12 defendant would both plead guilty to such charges and be sentenced under both charging  
13 documents in this District and by this Court.

14 c) Counsel for defendant desires additional time to consult with his client, to review  
15 the current charges, to conduct investigation and research related to the charges, to review  
16 discovery for this matter and for the matter in the District of New Jersey, to discuss potential  
17 resolutions with his client, and to otherwise prepare for trial.

18 d) Counsel for defendant believes that failure to grant the above-requested  
19 continuance would deny them the reasonable time necessary for effective preparation, taking into  
20 account the exercise of due diligence.

21 e) The government does not object to the continuance.

22 f) Based on the above-stated findings, the ends of justice served by continuing the  
23 case as requested outweigh the interest of the public and the defendant in a trial within the  
24 original date prescribed by the Speedy Trial Act.

25 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
26 et seq., within which trial must commence, the time period of November 14, 2022 to January 9,  
27 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
28 T4] because it results from a continuance granted by the Court at defendant's request on the basis

1 of the Court's finding that the ends of justice served by taking such action outweigh the best  
2 interest of the public and the defendant in a speedy trial.

3 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
4 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
5 must commence.

6 IT IS SO STIPULATED.

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8  
9 Dated: November 9, 2022

PHILLIP A. TALBERT  
United States Attorney

10  
11 /s/ DENISE N. YASINOW  
DENISE N. YASINOW  
Assistant United States Attorney


12  
13  
14 Dated: November 9, 2022

/s/ ALEX KESSEL  
Alex Kessel  
Counsel for Defendant  
ERIC MICHAEL JAKLITSCH

15  
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17  
18 **ORDER**

19 IT IS SO ORDERED.

20 Dated: November 9, 2022

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE